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Guam

Working paper prepared by the Secretariat

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I. General

1. Guam[1] is a Non-Self-Governing Territory administered by the United States of America with a locally elected Government. Basic information concerning the Territory is contained in the previous working paper submitted by the Secretariat (A/AC.109/2047, paras. 1-4). The people of Guam elect a Governor who serves a four-year term, 21 senators who serve two-year terms in a unicameral legislature, and a non-voting Delegate to the United States Congress, who also serves a two-year term. The people of Guam became United States citizens in 1950 when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island.

2. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor. Local judges are subject to confirmation by the voters every six years. A United States District Court for Guam is headed by a District Court Judge appointed by the President of the United States.

3. Guam consists of a single island of approximately 212 square miles. It is located 3,700 miles west/south-west of Honolulu. According to the administering Power, the population of Guam in 1995 was estimated at 149,249. The annual rate of growth is about 2.3 per cent.

II. Constitutional and political developments

4. Detailed information on the Constitution, the territorial Government and the 1994 general election is contained in the 1995 working paper prepared by the Secretariat (A/AC.109/2018, paras. 5-13). As for developments concerning the Commonwealth status of Guam, see paragraphs 41 to 44 below.

III. Activities related to the withdrawal of military bases

5. Detailed information on the military installations in the Territory is contained in the 1995 working paper prepared by the Secretariat (A/AC.109/2018, paras. 14-20). A summary of the information contained therein is set out below.

6. The United States Air Force Secretary, Ms. Sheila E. Widnall, visited the Anderson Air Force Base in Guam on 22 and 23 October 1995. In a press conference held on 22 October, Ms. Widnall confirmed that as a result of the United States Air Force downsizing programme, the Anderson base "did not and would not house any aircraft".

7. In April 1996, a decommissioning ceremony for the USS *Holland*, which had been providing servicing and maintenance to submarine and surface ships at Apra Harbor for four years, was held in Guam.

8. According to press reports, in April 1996, Mr. Mark Forbes, member of the territorial Senate, addressed a letter to the United States Secretary of Defense recommending that the United States postpone indefinitely its base closures on Guam and re-evaluate the strategic and socio-economic consequences of the downsizing of the United States military presence in the Territory.

IV. Economic conditions

9. Guam's economy has recovered from a downturn during the 1993-1994 period following extraordinary growth from 1988 to 1993.

10. Guam's gross territorial product increased by 3.9 per cent in 1994 to $3,030 million after an increase of 69 per cent from $1,729 million in 1988 to $2,917 million in 1993, an annual average growth rate of 10 per cent. Growth slowed somewhat in 1995. Total employment fell to 65,130 in December 1995 from 65,800 in 1994 and 68,464 in 1993. Unemployment increased to 7.8 per cent in the last quarter of 1995. Total personal income increased from $1,327 million in 1988 to $2,241 million in 1993, and to $2,325 million in 1995. Rapid expansion of the tourism sector was a major catalyst of overall economic growth. Total visitor arrivals increased from 586,000 in 1988 to 1,362,000 in 1995.

11. The reasons for Guam's growth were outside investment, primarily from Japan, and the Territory's continuing popularity as a tourist destination. After a decline in Japanese real estate investment from 1990 to 1993 and a series of natural disasters, including six typhoons late in 1992 and a Richter 8.2 earthquake in August 1993, Guam's economy made a strong recovery in 1994 and 1995.

12. The number of hotel rooms on Guam in 1994 increased to 6,873 from 6,616 in the previous year. In 1995 the hotel occupancy tax generated $19.9 million for the local government, up from $14.6 million in 1993.

13. Guam's economic expansion has also raised local investment capacity to record highs. Guam's newly increased ability to generate capital from local sources will be important in sustaining the Territory's growth. Bank deposits on Guam have grown 78 per cent since 1987; in 1994, total bank deposits reached $1.4 billion. Bank loans have increased, more than tripling since 1987. Bank loans in 1994 stood at $2.5 million. Another indicator of revival — the value of construction permits — totalled $614 million in 1994, compared to $431 million the previous year.

14. Tourism generated about 40 per cent of direct and indirect employment in the private sector in Guam. The Government of Guam employed 14,850 workers in 1994, an increase from the 13,973 workers recorded the previous year. Federal employment in the Territory stood at 7,490 in 1994, down slightly from 7,692 in 1993. Public employees represent about a third of the total workforce. The unemployment rate in 1995 was 7.3 per cent, with an estimated 3,500 workers actively seeking employment.

15. Since the mid-1980s, job creation has outpaced growth in the workforce. A beneficial result of this has been low unemployment, but it is apparent that much of the growth in employment is the result of multiple job holdings. Guam has become dependent upon an immigration of labour from Pacific Rim countries through the H-2 programme and from Micronesians immigrating under the provisions of the Compact of Free Association allowing unrestricted entry into the United States. These additions to the labour force from outside Guam are essential to economic growth but have increased demands for local government services as the labourers adjust to Guam's cultural and social modes.

16. The Guam Government reported 1995 General Fund revenues of $524 million, up from $501 million in 1994 but still below 1993's $561.5 million. However, the slowdown in the growth of government revenues resulted in an operating deficit in the General Fund of $184.7 million by the end of the 1994 financial year.

17. According to the United States Bureau of the Census's Federal Expenditures by State and Territory for the year 1994, direct federal grants to the Government of Guam in 1994 amounted to about $153 million, up from $89 million in 1993. These included grants from the United States Departments of Education, Health and Human Services, and Transportation, the Federal Emergency Management Agency (FEMA), etc. Total federal expenditures on Guam, including military spending and payments to individuals, as well as direct grants to the territorial Government, were estimated by the United States Census Bureau at $1,048 million for 1994.

18. The United States Defense Department downsized during the period from 1993 to 1996. The Department's spending and jobs in the Territory therefore declined .

V. Transportation, communications and other basic utilities

A. Water system

19. Approximately 74 per cent of the water produced in Guam is provided by the Public Utility Agency of Guam (PUAG). The remainder is produced by the Air Force and Navy installations on Guam. The territorial Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the Territory. The PUAG water originates primarily in an aquifer known as the northern lens, which is tapped by 94 active wells. According to the PUAG Well Monitoring Report, about 26 million gallons per day (MGD) are currently pumped from the northern lens. The $12 million Ugum River project at the southern end of the island, completed a few years ago, added an additional 1 to 2 MGD of potable water to Guam's daily supply.

20. The formation of an independent Guam Water and Sewer Authority to incorporate the functions of PUAG and place the operation and maintenance of Guam water and sewer activities on a more business-like basis was recommended by the territorial Government.

B. Sewer system

21. Improvements have been made in the operation of the wastewater utility during the past year. The North District and the Agana sewage treatment plants are about to be exempted from administrative orders issued by the United States Environmental Protection Agency for not complying with national standards. The transfer of Tumon Bay sewage to the North District plant and the completion of the rehabilitation of that plant facilitated this change. PUAG has also reached agreement with the United States Navy in regard to the relocation of the Agat sewage treatment plant; the joint outfall has been designed and will be put out for bid in the near future. The plant will provide 20 MGD of secondary treatment capacity. The new Agat sewage treatment plant will phase out the older plant; the port treatment facility will be phased out and the effluent pumped to the Agana plant.

C. Solid waste disposal

22. Guam also enacted legislation in 1995 to charge user fees for the collection and dumping of solid waste at the government landfill. That legislation will free up $2.7 million in federal funding (1988-1989) to close the Ordot landfill and develop a new solid waste dump.

D. Power generation and distribution

23. The Guam Power Authority, an autonomous agency of the Government of Guam, is responsible for providing electricity throughout the island. Total power consumption in 1991 was 862.4 million kilowatt hours (kWh). The average kWh per customer increased from 11,127 in 1990 to 12,064 in 1991, an increase of 8 per cent. Average annual residential power cost per customer in 1991 was $1,070.

E. Roads

24. The estimated length of the road network on Guam was approximately 975 miles at the end of 1992. Of that total, 420 miles of roads are classified as non-public roads. Many of these roads are located on federal government installations located throughout Guam. Of the 550 miles of public road, approximately 144 miles form the primary network (this includes some secondary roads); about half of this mileage is classified as urban roads. There are about 222 miles of streets and 123 miles of local or collector roads. The primary network is paved. In the case of the streets and local roads, 330 miles (80 per cent) are paved and the remaining 83 miles (20 per cent) are unpaved. There are 27 bridges in the road system.

F. Airport

25. The A. B. Won Pat Guam International Air Terminal and surrounding facilities are administered by the Guam Airport Authority. The airport facilities are first-rate, but the growth in passenger arrivals and cargo warrants increasing the capacity of the facilities. Guam has recently expanded its airport aprons to alleviate the problems of aircraft waiting in the taxiways. The Authority hopes to triple the size of the airport when the $253 million programme to construct a new terminal at the eastern end of the existing facility is completed later this year. Terminal enlargement would increase the number of passenger gates to 17. The closing of the Guam Naval Air Station in 1995 provided additional acreage and facilities for expansion of the airport operations. The station, which owned the airport's runways, was ordered closed by the Base Realignment and Closure Commission in August 1993. Guam authorities expected total passenger traffic to reach 3.6 million passengers in 1995. The facility is reported to handle some 1,500 flights a month. The airport is a regional aviation hub and base of operations for Continental Micronesia, the regional carrier.

G. Seaport

26. The Port Authority of Guam (PAG) administers the commercial port facilities at Apra Harbor. PAG is a public corporation and autonomous agency of the Government of Guam. Guam's port is a major trans-shipment centre for the Western Pacific and is equipped to move containerized, unitized, break-bulk, and tuna cargo efficiently. The port has in recent years seen an average annual increase in cargo of 23 per cent. PAG is expanding its container yard and is planning to spend $100 million in reconstruction activities through the year 2005.

VI. Banking and finance

27. *Commercial bank deposits*. In 1995, Guam had about $1.3 billion in commercial bank deposits, showing a decline of about $100 million from 1994 and more from the peak land boom year of 1991.

28. *Commercial bank loans*. Guam also had a large amount of commercial bank loans, in an amount of more than $2 billion in 1995. Guam was the only Territory administered by the United States with more bank loans than deposits; with $1 billion dollars more in loans than deposits, Guam demonstrated its development as a financial and business centre for the Western Pacific area.

VII. Land issue

29. According to the Governor of Guam, the land issue continued to be unresolved. Earlier in 1997, the Governor submitted to the Twenty-Fourth Legislature the Ancestral Lands Act which addressed the concern of the Chamorro people regarding those lands which had been taken from the federal Government or by the territorial authorities. The Governor called upon the Legislature to adopt the Act in order to ensure that the legitimate land property rights of the Chamorro might be preserved and protected.

VIII. Crime and crime prevention

30. The territorial Government approved its commitment to tackle the problem of crime despite its limited personnel and resources. It declared that it would fight to rid the Territory of illegal drugs. Police officers increased by 35 per cent arrests relating to the drug known as "ice". The territorial Government doubled the number of police vehicles on the streets. It also doubled the number of customs officers and armed them with the latest equipment. It is reforming the prison system. It assembled the first-ever drug task force combining the resources of all the federal and territorial crime fighters. The police launched a major offensive against crime and drug rings.

31. According to the territorial Government, building a "safe" community would require a commitment from every level of society. Greater resources were needed for the fight against crime, including officers to patrol the streets, more vehicles and equipment to help officers do their jobs, more prosecutors to put criminals behind bars, more facilities to keep criminals off the streets and more alternatives for youth so they were not drawn into the world of gangs and drugs.

32. According to the territorial Government, there was also a need to continue to build gymnasiums in the villages, to run summer camps for youth and to open new recreational centres and programmes all over the Territory.

IX. Educational conditions

33. The territorial Government indicated it was borrowing to provide funds for the Southern High School and Tamuning and Astumbo elementary schools, as well as various buildings at the University of Guam. However, the Governor indicated that unless sufficient resources were available, the territorial Government might default and this would constrain its ability to borrow and provide funds for education. The Governor pointed to some achievements, such as the fact that Southern High School was going to open on time. An agreement with the Navy was reached that would allow direct access from Route 5 to the school. The agreement also provided for eventual access from Route 2 and committed the Navy to disposing of hazardous waste found on the site.

34. The Governor announced savings of nearly $7 million on the construction of Astumbo Elementary School which would be used to build another elementary school in Agafa Gumas.

35. An extra $7 million was put back into a project to build a fine arts auditorium and an Olympic-sized swimming pool.

X. Public health

36. The territorial Government pledged that the highest quality of health care would be made available to every man, woman and child. At the heart of Guam's health care system is its hospital, which has been upgraded over the last 15 years.

37. The territorial Government brought from Hawaii experts with proven track records at Queens Hospital, Kapiolani, and Straub Clinic to help them identify solutions to the problems facing the hospital and other clinics.

XI. Environment

38. The territorial Government stated that its efforts to develop a thriving economy must never compromise the people's paramount right to a clean and healthy environment. It also asserted its responsibility to prevent its land, shores, air and ocean waters from being damaged and polluted by uncontrolled development. The Guam Environmental Protection Agency has established programmes and policies to require that businesses which invest in the Territory and government entities also take the measures necessary to protect Guam's fragile environment.

39. According to the Governor of Guam, the Government and the private sector entered into a partnership to enhance the natural beauty of the Territory and would be proceeding with plans for island-wide improvement of park areas; such improvement efforts were about to be completed on Latte Park and would soon begin on Puntan Dos Amantes Park/ Two Lovers' Point.

XII. Culture

40. An integrated Chamorro Heritage Institute will use its combined resources to focus on preserving the Chamorro language and promoting the understanding of Chamorro history, and its unique character. Legislation would be introduced by Guam to establish the Institute.

XIII. Future status of the Territory

A. Draft Commonwealth Act

41. Detailed information on the political status referendum of 30 January 1982, and on the draft Commonwealth Act, as well as on the negotiations related thereto between the territorial Government and the administering Power during the period from 1986 to 1994 are contained in previous working papers prepared by the Secretariat (A/AC.109/1192, paras. 19-37, and A/AC.109/2018, paras. 74-83). Additional information for 1995-1996 is set out below.

42. As stated in the previous working paper, the Governor of Guam and the Deputy Secretary of the Interior held meetings at San Francisco and Washington, D.C., to discuss the draft Commonwealth Act. Governor Carl Gutierrez reportedly stated subsequently that the negotiations "went extremely, extremely well" and that the congressional subcommittee could hold hearings in summer 1996.

43. The media reported that in December 1996, Governor Gutierrez met United States President Bill Clinton to discuss the Commonwealth issue. According to the Governor, this was the first meeting at such a level in the history of bilateral relations between Guam and the United States. The Governor was encouraged by the President's statement that he "would see what he could do to get the Commonwealth moving". [2]

44. In April 1997, Guam's representative to the United States Congress, Mr. Robert Underwood, met President Clinton and voiced his concern about the political status of Guam. Mr. Underwood said that "the President's words were somewhat routine".[3] According to media reports, Mr. Underwood met in May 1997 with Mr. Bill Richardson, Permanent Representative of the United States to the United Nations. Upon the conclusion of the meeting Mr. Underwood stated that Mr. Richardson had "made a commitment that Guam will be consulted before anything is done".[4]

B. Position of the territorial Government

45. The Twenty-Fourth Guam Legislature, at its 1997 regular session, adopted the following resolution on 27 March 1997:

> "Relative to registering our strong objection to the amendments made to the section regarding the Territory of Guam in the United Nations omnibus draft resolution addressing the situation in the Twelve (12) Non-Self-Governing Territories, which was approved by the Fourth Committee (Special Political and Decolonization); to question the process by which the resolution as drafted by the Special Committee on Decolonization was amended; and to reiterate our continuing support of the Chamorro people's right to determine the future political status of the Territory of Guam through an act of self-determination, as approved by the voters of Guam in their quest for the interim status of Commonwealth.
>
> "Be it resolved by the Committee on Rules, Government Reform and Federal Affairs of the Twenty-Fourth Guam Legislature:
>
> "Whereas, the United Nations has dedicated this decade as the International Decade for the Eradication of Colonialism; and
>
> "Whereas, the Special Committee on Decolonization (Special Committee) has, since its inception, played a critical role in the decolonization process by monitoring, protecting and promoting the rights of the peoples of Non-Self-Governing Territories, most especially, their right to exercise self-determination for their territories; and
>
> "Whereas, the Special Committee in its draft resolution on the Twelve (12) Non-Self-Governing Territories states the following operatives regarding the Non-Self-Governing Territory of Guam:
>
> 1. Calls upon the administering Power, namely the United States of America, to facilitate the exercise of self-determination by the Chamorro people of Guam as endorsed by the people of Guam, in the draft Guam Commonwealth Act, and to keep the Secretary-General informed of the progress to that end;
> 2. Requests the administering Power to continue assisting the elected territorial government in achieving its political, economic and social goals;
> 3. Requests the administering Power, in cooperation with the territorial government, to continue the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;
> 4. Requests the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people, and to take all necessary measures to respond to the concerns of the territorial

government with regard to the immigration issue;

5. Requests the administering Power to implement programmes specifically intended to promote the sustainable development of economic activities and enterprises by the Chamorro people; and

6. Requests the administering Power to continue supporting appropriate measures by the territorial government aimed at promoting growth in commercial fishing, agriculture and other viable activities; and

"Whereas, Guam's administering Power proposed amendments to the Guam section of the draft resolution which were contrary to the will and wishes of the people of Guam, as expressed in their draft Guam Commonwealth Act, and through testimonies by territorial officials and non-governmental organizations before various committees of the United Nations; and

"Whereas, the Special Political and Decolonization Committee (Fourth Committee) in November 1996 decided to postpone until March 1997 its consideration of the section of a report from the Special Committee on Decolonization containing the draft resolution on the Twelve (12) Non-Self-Governing Territories, and a draft resolution with related amendments submitted by the United States and the United Kingdom; and

"Whereas, the Special Political and Decolonization Committee (Fourth Committee), after consultations with the Special Committee and the two (2) administering Powers, namely the United States and the United Kingdom, subsequently approved an amended draft resolution without a vote; and

"Whereas, there was no communication with the government of Guam regarding the proposed amendments which may have dire consequences for the people of the territory of Guam, especially in regards to the status of the Chamorro people in their own homeland; and

"...

1. Calls upon the administering Power to take into consideration the expressed will of the Chamorro people, as endorsed by the people of Guam; encourages the administering Power and the territorial government of Guam to continue the negotiations on this matter; and requests the administering Power to inform the Secretary-General of the progress to this end;

2. (Same as original draft);

3. Requests the administering Power, in cooperation with the territorial government, to continue the orderly transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

4. Requests the administering Power to continue recognizing and respecting the political rights and the cultural and ethnic identity of the people of Guam, including the Chamorro people, and to take all necessary measures to respond to the concerns of the territorial government with regard to the immigration issue;

5. Requests the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises by the people of Guam, including the Chamorro people; and

6. (Same as original draft); and

"Whereas, the amendments, preambular as well as operative, substantially change the true picture of Guam and do not reflect the will or wishes of the people of Guam, as endorsed by the draft Guam Commonwealth Act; Guam legislative resolutions addressing the United Nations, testimonies by territorial officials and non-governmental organizations before various committees of the United Nations; and other communications by territorial officials and non-governmental organizations; and

"Whereas, as amended, the draft resolution approved by the Fourth Committee is an affront to the Chamorro people of Guam, who are Guam's indigenous people and are the victims of colonization, and who are recognized by the voters of Guam as having the right to determine the future political status of the Territory of Guam through an act of self-determination, as endorsed in the 1987 Draft Guam Commonwealth Act; now therefore, be it

"Resolved, that the Twenty-Fourth Guam Legislature unconditionally supports the will and wishes of the people of Guam, as expressed in the 1987 Draft Guam Commonwealth Act and related documents; recognizing that Commonwealth status would be an interim status until the Chamorro people determine the future political status of the Territory of

Guam through an act of self-determination; and be it further

"Resolved, that the Committee on Rules, Government Reform and Federal Affairs of the Twenty-Fourth Guam Legislature does hereby, on behalf of the people of Guam, continue to communicate the will and wishes of the people of Guam and their process and progress towards decolonization to the United States and the United Nations; and be it further

"Resolved, that the Speaker and the Chairman of the Committee on Rules, Government Reform and Federal Affairs certify to, and the Legislative Secretary attest, the adoption hereof and that copies of the same be thereafter transmitted to the President and the Secretary-General of the United Nations; to the Chairman of the Special Political and Decolonization Committee (Fourth Committee); to the Chairman of the Special Committee on Decolonization; to the United States Mission to the United Nations; to Guam's Washington Delegate Robert A. Underwood; and to the Governor of Guam."

C. Position of the Administering Power

46. Information under this section is contained in document A/AC.109/2080, paragraphs 36 and 37.

D. Action by the General Assembly

47. On 27 March 1997, the General Assembly adopted without a vote resolution 51/224 B, section VI of which particularly concerns Guam.

Notes

[1] The information contained in the present working paper was derived from a report transmitted to the Secretary-General by the United States of America under Article 73 *e* of the Charter of the United Nations on 30 April 1997 and published sources.

[2] *Pacific Daily News*, 19 December 1996.

[3] Ibid., 19 April 1997.

[4] Ibid., 27 May 1997.